

MKM:PAS
F. #2018R01782

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

BARIN BROWN,
also known as "Scruff,"

[REDACTED]
also known as "[REDACTED]"

[REDACTED]
also known as "[REDACTED]"

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

FINBARR FLEMING, being duly sworn, deposes and states that he is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (hereafter "ATF"), duly appointed according to law and acting as such and states as follows:

In or about July 2018, within the Eastern District of New York and elsewhere, the defendants BARIN BROWN, also known as "Scruff," [REDACTED] also known as "[REDACTED]" Allan Floyd, also known as "Rugar Richmond Ace," and [REDACTED] [REDACTED] also known as "[REDACTED]" together with others, did knowingly and intentionally conspire to seize, confine, inveigle, kidnap, abduct and carry away and hold, for ransom and reward and otherwise, one or more persons, to wit: Victim-1, Victim-2 and Victim-3 (a child who was approximately 16-months old), individuals whose identities are known to

TO BE FILED UNDER SEAL

**COMPLAINT AND AFFIDAVIT
IN SUPPORT OF AN
APPLICATION FOR ARREST
WARRANTS**

(T. 18, U.S.C., §§ 1201(c)(1), 1201(g)(1),
1951(a), 924(c)(1)(A)(i),
924(c)(1)(A)(ii) and 2)

Cr. No. 19-MJ-198-JO

the Affiant, and to use one or more means, facilities and instrumentalities of interstate and foreign commerce, to wit: cellular telephones, in committing and in furtherance of the commission of the offense, contrary to Title 18, United States Code, Sections 1201(c)(1) and 1201(g)(1).¹

In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants BARIN BROWN, also known as "Scruff," [REDACTED] also known as "[REDACTED]" Allan Floyd, also known as "Rugar Richmond Ace," and [REDACTED] also known as "[REDACTED]" together with others, did commit and cause to be committed, among others, the following overt acts:

(a) On or about July 8, 2018, defendant BARIN BROWN and Victim-1 agreed to meet in Staten Island, New York for a marijuana sale;

(b) On or about July 8, 2018, defendant Allan Floyd, in the presence of defendant [REDACTED] and defendant [REDACTED] pointed a firearm at the head and chest of Victim-1;

(c) On or about July 8, 2018, defendant Allan Floyd, defendant [REDACTED] and defendant [REDACTED] forced Victim-1 and Victim-2 into the victims' car;

¹ On or about February 27, 2019, defendant Allan Floyd was arrested and charged pursuant to an affidavit and criminal complaint issued by Magistrate Judge Steven L. Tiscione (19-MJ-181 (ST)).

(d) On or about July 8, 2018, defendant [REDACTED] transported Victim-1, Victim-2 and Victim-3, in the victims' car, to their residence, along with defendant Allan Floyd and defendant [REDACTED]

(e) On or about July 8, 2018, defendant Allan Floyd and defendant [REDACTED] forced Victim-1 to enter the victims' residence;

(f) On or about July 8, 2018, defendant [REDACTED] watched Victim-2 and Victim-3, outside of the victims' residence, as defendant Allan Floyd, and defendant [REDACTED] were inside the victims' residence with Victim-1;

(g) On or about July 8, 2018, defendant [REDACTED] while inside the victims' residence, told Victim-1 to help carry outside the victims' property to avoid suspicion by the victims' neighbors;

(h) On or about July 8, 2018, defendant [REDACTED] defendant Allan Floyd and defendant [REDACTED] took Victim-1 and Victim-2's property including, but not limited to, marijuana, United States currency, a safe, jewelry, clothing, collector edition Michael Jordan sneakers and a BB gun; and

(i) On or about July 8, 2018, defendant [REDACTED] defendant Allan Floyd and defendant [REDACTED] fled the location in a car driven by defendant BARIN BROWN, also known as "Scruff."

(Title 18, United States Code, Sections 1201(c)(1) and 1201(g)(1))

On or about July 8, 2018, within the Eastern District of New York, the defendants BARIN BROWN, also known as "Scruff," [REDACTED] also known as "[REDACTED] Allan Floyd, also known as "Rugar Richmond Ace," [REDACTED] also known as "[REDACTED] together with others, did knowingly and intentionally obstruct,

delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of a narcotics trafficker in Staten Island, New York.

(Title 18, United States Code, Sections 1951(a) and 2)

On or about July 8, 2018, within the Eastern District of New York, the defendants BARIN BROWN, also known as "Scruff," [REDACTED] also known as " [REDACTED] Allan Floyd, also known as "Rugar Richmond Ace," and [REDACTED] also known as " [REDACTED] along with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: the July 8, 2018 robbery referred to above, and did knowingly and intentionally possess said firearms in furtherance of said crime of violence, one or more of which firearms were brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii) and 2)

The source of your deponent's information and the grounds for his belief are as follows:²

1. I am a Task Force Officer (hereafter "TFO") with the ATF. I have been a TFO since 2014 and have served in the New York City Police Department (hereafter "NYPD") for approximately 24 years. I have been involved in the investigation of numerous cases involving kidnappings, armed robberies and firearms offenses. The information in this Complaint comes from my personal involvement in the investigation, a review of records of the ATF, NYPD and other government agencies, including video footage recorded by

² Because the purpose of this Complaint and Affidavit in Support of an Arrest Warrant are to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

surveillance cameras, reports of victim interviews and conversations with other law enforcement officers. Unless specifically indicated, all conversations and statements described in this affidavit are related in sum and substance and in part only.

2. On or about July 8, 2018 at approximately 2:00 p.m., BROWN, [REDACTED] Floyd and [REDACTED] participated in the armed kidnapping and armed robbery of a Staten Island, New York marijuana dealer (hereafter "Victim-1") along with Victim-1's fiancée (hereafter "Victim-2") and their approximately 16-month old child (hereafter "Victim-3") in the Eastern District of New York.³

3. During interviews by the ATF and NYPD, Victim-1 stated that on or about July 8, 2018, Victim-1 spoke with BROWN about purchasing high quality marijuana from BROWN.⁴ Victim-1 planned to resell some of the high quality marijuana to Victim-1's cousin. On at least one prior occasion, Victim-1 purchased marijuana from BROWN and had also previously smoked marijuana with BROWN at Victim-1's Staten Island residence. During BROWN's visits to Victim-1's residence, Victim-1 showed BROWN where Victim-1 stored marijuana, United States currency, a safe, jewelry, clothing, collector edition Michael Jordan sneakers and a BB gun.

³ Victim-1 has not received any benefits related to this investigation. Victim-1's criminal history includes convictions under New York Penal law for: criminal trespass, criminal possession of marijuana, aggravated harassment, attempted criminal sale of a controlled substance and attempted criminal mischief. Victim-2 has not received any benefits related to this investigation and does not have a criminal record.

⁴ This and all other statements by the victims and eyewitnesses to law enforcement are set forth in sum and substance and in part.

4. Victim-1 further stated that on or about July 8, 2018 at approximately 2:15 p.m., BROWN and Victim-1 agreed by phone to meet regarding the sale of the high quality marijuana at the corner of Slight Street and Nicholson Avenue in Staten Island, New York. Feeling comfortable based on their prior interactions, Victim-1 drove to the meeting along with Victim-2 and Victim-3. After arriving at the location, Victim-1 saw BROWN, but as Victim-1 prepared to purchase the marijuana, three unknown men appeared and one of the men, later identified as Floyd, displayed a firearm and pointed it at Victim-1's head and chest. BROWN immediately ran away. Floyd then stated in sum and substance, "take your chain off," and, "give me all your money before I smack you with this Duce-Duce," referring to the firearm. Along with Floyd were men later identified as [REDACTED] and [REDACTED]

5. According to both Victim-1 and Victim-2, after Floyd demanded Victim-1's chain and money, Floyd then told Victim-1 and Victim-2 to get out of the car. Victim-2 responded that Victim-3 was in the back seat of the car and Floyd stated in sum and substance, "get in the back seat we are not doing this here." Floyd, Victim-1 and Victim-2 then sat in the back seat of the car with Victim-3. [REDACTED] got into the car's driver's seat and [REDACTED] sat in the car's front passenger seat. Floyd continued to point the gun at Victim-1's head and chest as [REDACTED] took Victim-1 and Victim-2's cellphones. [REDACTED] then drove to Victim-1 and Victim-2's Staten Island residence. Neither Victim-1 nor Victim-2, provided directions or their residence's address to [REDACTED]

6. Surveillance cameras at Victim-1 and Victim-2's residence captured video footage of [REDACTED] Floyd and [REDACTED]. None of the men wore masks, and the images captured by the surveillance cameras show Victim-1, Floyd and [REDACTED] entering the residence. Floyd was wearing a black t-shirt, black pants and black and white sneakers.

██████████ was wearing a black du-rag, white t-shirt, tan colored shorts and white sneakers. When Floyd and ██████████ entered the residence they did not have anything covering their hands.

7. Victim-1 stated that, once inside the residence, Floyd and ██████████ put on latex gloves. Floyd and ██████████ immediately went to the area of the house where Victim-1 had previously shown BROWN marijuana, United States currency, a safe, jewelry, clothing, collector edition Michael Jordan sneakers and a BB gun. Also while inside the residence, ██████████ told Victim-1 that he had a gun, but that it was not as large as Floyd's gun. ██████████ did not show Victim-1 the additional firearm.

8. Victim-1 further explained that Floyd and ██████████ placed Victim-1 and Victim-2's property from their house into various bags. When Floyd was unable to locate the BB gun, he demanded that Victim-1 give him the BB gun.⁵ Victim-1 located the BB gun and gave it to Floyd. ██████████ then told Victim-1 that in order to avoid suspicion by Victim-1 and Victim-2's neighbors, Victim-1 had to help Floyd and ██████████ carry Victim-1 and Victim-2's property outside of the house.

9. While Floyd, ██████████ and Victim-1 were inside the residence, surveillance video also captured ██████████ Victim-2 and Victim-3 outside the residence. ██████████ did not wear a mask. He wore a black du-rag, black shirt and dark pants, along with white and dark colored shoes. ██████████ initially had his hands in his pants' pockets concealing

⁵ Before the July 8, 2018 kidnapping and armed robbery, but after Victim-1 showed BROWN the location of Victim-1's BB gun, Victim-1 moved the location of the BB gun because Victim-1 was afraid of an investigation concerning Victim-1's neighbors and Child and Protective Services.

the fact that he was wearing what Victim-2 described, and later parts of the surveillance video corroborates, as white latex gloves. As [REDACTED] and Victim-2 waited for the men inside the residence, Victim-2 stated that Victim-2 asked [REDACTED] to take off the white latex gloves in order to avoid suspicion by Victim-2's neighbors. Victim-2 feared for Victim-1's safety if police arrived while the men were inside Victim-2's residence with Victim-1. [REDACTED] complied with Victim-2's request, and surveillance video corroborates Victim-2's description of [REDACTED] removing his white latex gloves.

10. At approximately 3:00 p.m. surveillance videos further captured [REDACTED] Floyd and [REDACTED] carry Victim-1 and Victim-2's property away from the residence. As [REDACTED] Floyd and [REDACTED] walked away from the residence, [REDACTED] was no longer wearing his black du-rag.⁶ As they exit the residence, [REDACTED] appeared to be wearing blue latex gloves and Floyd appeared to be wearing white latex gloves. According to both Victim-1 and Victim-2, they begged [REDACTED] for the return of their cell phones. Additional surveillance videos then captured [REDACTED] returning the cellphones as [REDACTED] Floyd and [REDACTED] then walked approximately one block to the intersection of Orange Avenue and Seymour Street.

11. Also at approximately 3:00 p.m., an eyewitness (hereafter "EW-1") stated that EW-1 parked near the corner of Orange Avenue and Seymour Avenue, and noticed what EW-1 believed was either a 2007 or a 2008 black model 740 BMW. EW-1 also noticed

⁶ On July 8, 2018 following the kidnapping and armed robbery, Victim-2 was cleaning Victim-1 and Victim-2's residence and found a black du-rag. Victim-2 reported the recovery of the du-rag to police and the Office of Chief Medical Examiner tested the du-rag for DNA. The DNA sample results include three DNA contributors.

that the car was idling and was occupied by what appeared to be one male driver. The driver's head was down and EW-1 thought it was strange that the driver was wearing a black hooded sweatshirt with the hood up. EW-1 also remembered the black BMW had an orange New York license plate. EW-1, also thought that the driver of the black BMW might have had dreadlocks coming out from underneath the hood of the sweatshirt. Additional surveillance cameras from a residence also on Seymour Avenue captured what appeared to be the black BMW driving at a high rate of speed following the kidnapping and armed robbery towards Port Richmond Avenue. Based on a review of law enforcement database vehicle records, in or about July 2018, a black model 750 BMW was registered to BROWN's girlfriend. On March 1, 2018 BROWN was issued a summons while driving a black model 750 BMW. In addition, in or about July 2018, BROWN was known by law enforcement representatives to have dreadlocks.

12. Shortly after the kidnapping and armed robbery, Victim-1 received a text message from BROWN, stating, "I didn't no DAT short was gonna happen dey must been plotting on me Call me." Victim-1 did not respond to this text message. Victim-1 has not heard from BROWN since this July 8, 2018 text message. In the period prior to the armed kidnapping and armed robbery, Victim-1 and BROWN were in contact approximately several times per month.⁷

13. Records from AT&T, Inc. and Sprint, Inc. reflect that BROWN's cellular telephone number exchanged multiple communications with the Floyd's cellular telephone,

⁷ In addition to Victim-1 communicating with BROWN through text messages, on August 4, 2018, law enforcement officers responded to a domestic incident involving BROWN where he provided the telephone number associated with the prior text messages with Victim-1.

between July 7, 2018 through July 9, 2018.⁸ Including on or about July 8, 2018, the date of the armed kidnapping and armed robbery, there were 22 phone contacts between BROWN's cellular telephone number and Floyd's cellular telephone.

14. On August 2, 2018, law enforcement agents showed photo arrays to Victim-1 and Victim-2 including separate photo arrays containing pictures of BROWN, Floyd and [REDACTED]. Victim-1 and Victim-2 each separately identified BROWN as "Scruff" and indicated that he was the man who lured them to the purported marijuana deal. Each victim also separately identified Floyd and stated that he was the man with the gun on July 8, 2018. However, neither victim identified [REDACTED].

15. Later the same day, outside the presence of law enforcement, Victim-2 found that Victim-2 had received a Facebook friend suggestion to add "Allan Floyd" as a "friend." Victim-2 immediately recognized the friend suggestion as the man with the gun and the person Victim-2 earlier identified in the photo array. Victim-2 reviewed Floyd's Facebook photos and saw Floyd wearing what appeared to be a pair of Victim-1's Air Michael Jordan sneakers and Victim-2's watch, both of which were taken on July 8, 2018.

16. Victim-2 further found Floyd's Facebook friends and identified a person with the Facebook page entitled "[REDACTED]". Victim-2 immediately recognized "[REDACTED]" as the man who waited outside of Victim-2's residence during the kidnapping and armed robbery. Victim-2 further identified Facebook photographs of

⁸ On or about August 7, 2018, Floyd was involved in a traffic stop by law enforcement officers where Floyd provided the telephone number associated with prior communications with BROWN's telephone number.

“ [REDACTED] wearing what Victim-2 believed to be a pair of Victim-1’s Michael Jordan sneakers as well as one of Victim-2’s watches, both items that were taken during the armed kidnapping and armed robbery. Law enforcement agents who have previously personally encountered Floyd and [REDACTED] reviewed the Facebook photographs, referenced above, which were provided by Victim-2 and determined the individual associated with “ [REDACTED] in the Facebook photographs is [REDACTED]. In addition, law enforcement agents confirmed that the Facebook accounts provided by Victim-2 appear to be those belonging to Floyd and [REDACTED].

17. On September 6, 2018, [REDACTED] was stopped by the NYPD for having tinted windows. [REDACTED] was driving on a suspended license. During the course of the stop, [REDACTED] was wearing collector edition black Air Michael Jordan Gamma sneakers and a black and gold watch. Both of these items are consistent with those taken during the armed kidnapping and armed robbery. Photographs of these items were taken by law enforcement and on September 12, 2018, Victim-1 was shown photos of the black Air Michael Jordan Gamma shoes and the black and gold watch and Victim-1 stated that they both appeared to be Victim-1’s property that was taken during the armed kidnapping and armed robbery.

18. In or about January 2019, law enforcement authorities were able to identify Floyd, [REDACTED] and BROWN’s residences in Staten Island, New York. On February 26, 2019, the Honorable Magistrate Judge Steven L. Tiscione issued search warrants for BROWN, Floyd and [REDACTED] residences (19-MC-174 (SLT)). On the morning of February 27, 2019, ATF and NYPD officers (hereafter “the Search Team”), conducted searches of BROWN, Floyd and [REDACTED] residences.

19. The Search Team recovered the following items from BROWN's residence, including but not limited to, multiple pairs of Michael Jordan sneakers and two watches that are the same make and model as those taken from the victims' home. The Search Team also recovered, among other things, the following items from Floyd's residence: multiple pairs of Michael Jordan sneakers, a Michael Jordan sneaker box and two digital scales.

20. In addition, the Search Team recovered the following items, among other things, from [REDACTED] residence: mail matter in [REDACTED] name, a backpack containing men's underwear that had inside the underwear a heat-sealed bag with a Glock Model 42 .380 caliber pistol, serial number AAWT117, and in the pistol's magazine, that wrapped with the pistol in the underwear were a six rounds of ammunition as well as thirty-five additional .380 caliber rounds of ammunition and an ammunition holder. Of those thirty-five additional rounds of ammunition, two of the rounds were hollow-point ammunition. The Search Team also recovered, among other things, the following: VitaBlend Mannitol powder⁹; multiple razor blades; multiple rubber bands; multiple Ziploc bags; three digital scales; a plastic bag containing green plant like substance that, based upon my training and experience, appears to be marijuana; multiple sandwich-size Ziploc bags containing multiple white colored rocks that, based upon my training and experience, appears to be cocaine base (common referred to as crack cocaine); multiple sandwich-size Ziploc bags containing white a colored powder

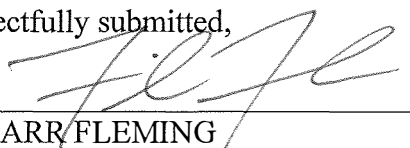
⁹ Based upon my training and experience, I am familiar that VitaBlend Mannitol powder is commonly utilized by narcotics traffickers as a cutting agent that is mixed with narcotics, including cocaine base and heroin.

substance that, based upon my training and experience, appears to be powder cocaine base; and a plastic bag containing a tan colored substance that, based upon my training and experience, appears to be heroin.

21. A review of BROWN's prior criminal history revealed that he is currently on bench warrant status in Fort Bend County, Texas. In his pending Texas case, BROWN had two male co-defendants—one of the two co-defendants is listed as a "██████████". A comparison of law enforcement database information with the photograph and date of birth provided to Texas authorities for "██████████" revealed that this name is in fact an alias previously used by ██████████. Law enforcement database information further revealed that a recent address for ██████████ is within the same Staten Island neighborhood of a prior address provided by BROWN. I compared the date of birth and Texas photograph of "██████████" (██████████) to the surveillance videos obtain during the course of this investigation, and, based upon my training and experience, and participation in this investigation, I believe that "██████████" BROWN's prior Texas co-defendant—is in fact ██████████.

WHEREFORE, your deponent respectfully requests that the defendants BARIN BROWN, also known as "Scruff," [REDACTED] also known as [REDACTED] and [REDACTED] also known as [REDACTED] be dealt with according to law.

Respectfully submitted,


FINBARR FLEMING
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before this
16 day of March, 2019

S / James Orenstein

HONORABLE JAMES ORENSTEIN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK